

## REMARKS

Reconsideration and allowance are respectfully requested.

The allowance of claims 6, 8, 9, 10, 26, 33, 40, 42, 44 and 45 and their respective dependent claims is noted with appreciation. The indication of allowable subject matter in original claims 16, 22 and 24 is also gratefully acknowledged. In accordance with this latter indication, these claims have been amended into independent form and, where required, to correct any informalities noted in the Office action under Section 112 as well as ones noted by counsel. Specifically, in the independent claims presented in the last amendment, "extends" in line 4 has been corrected.

In the Office action, claims 1, 2, 5, 7, 13-15, 17-21, 23, 25, 28-32, 34-39, 41, 43 and 46-56 were rejected as anticipated by Rey et al U.S. Patent No. 6318070. Claims 32 and 39 were rejected as anticipated by the Zysman et al. patent while claim 37 is rejected as anticipated by Brausch et al.. Claims 38 and 56 are rejected as anticipated by GB 910,250; claims 39 and 47 as anticipated by GB 1116639. The remaining claims are rejected as obvious over Rey et al and Zysman et al.

In response, claim 1 has been amended above to expressly recite that the actuating mechanism is a shape memory material element connected to the tabs which are rotatably attached to the nozzle to effect the desired positioning of the tabs. Full support for this language will be found at page 6 of the applicants' specification. This feature is clearly absent from the disclosure of Rey et al and the other references of record. In Rey, the shape memory material is in the form of wire strands 68, 72 positioned adjacent actuating arm 54 whereas, in the present invention, the shape memory material is attached to the tabs themselves.

In the Zysman et al patent, there is simply discussed the provision of angled tabs on the exhaust nozzle of gas turbine engines. Nothing is said or suggested as to how to vary the angular position of any of the tabs. The same applies to the Brausch et al reference and none of the remaining patents appear to be any more relevant.

British Patent No. 910,250 describes a mechanical piston and cylinder arrangement for moving the noise suppressing vanes. No shape memory material is disclosed.

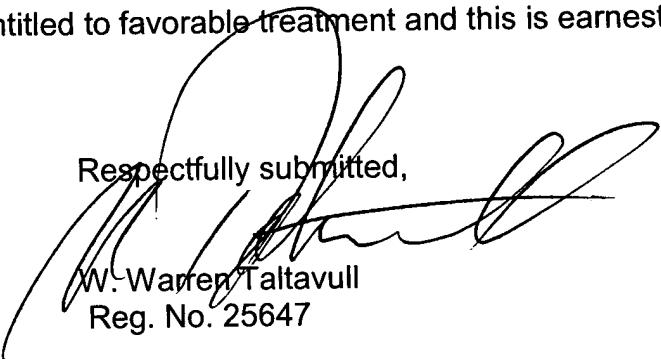
British Patent No. 1,116,639 appears to be the same as British Patent No. 910,250 in that a mechanical apparatus is used to move the vanes. No shape memory material is disclosed.

New claims 58 to 62 have been added and all are believed novel and unobvious over the references of record since these new claims include the language of allowed claim 10.

The specification has been amended at in the paragraph bridging pages 19 and 20 to correct an apparent typographical error.

Having addressed all of the points raised in the Office action, it is believed that the application is now entitled to favorable treatment and this is earnestly solicited.

Respectfully submitted,

  
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